IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MRS. JUSTICE K.HEMA

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

MFA.No. 1452 of 2001(B)

OPMV.155/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR
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APPELLANT: PETITIONER

LAKSHMI SUNDERASAN, D/O. SUNDERASAN,
"LAKSHMI KRISHNA", PUTHIYA ROAD JUNCTION,
KALOOR DESOM, ELAMKULAM VILLAGE,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.P.V.CHANDRA MOHAN

RESPONDENTS: RESPONDENTS
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1. **NIRMAL SINGH, S/O. HARBEN SINGH,**
   CHERUPARABATH ROAD, 27/204,
   KADAVANTHARA, ERNAKULAM.

2. **ORIENTAL INSURANCE CO. LTD.,**
   INDIA LIFE BUILDING, TRICHI ROAD,
   COIMBATORE.

BY ADV. SRI.ANCHAL C.VIJAYAN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007 , THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. KOSHY & K.HEMA, JJ.

M.F.A.No. 1452 of 2001

Dated this the 29th day of November, 2007

Judgment

Koshy,J.

Appellant/Claimant, at the age of 18, met with an accident and, as a result of the accident, there was avulsion to one of the upper incisors and Grade III mobility to another upper incisor. Upper arch bar fixation was done and she was treated with antibiotics, analgesics and other supportive measures in Ernakulam Medical Centre. Root canal treatment was also done as can be seen from Ext.A8 certificate. Claimant produced bills for Rs.30,299/-. Out of the above, Rs.16,800/- is a bill issued by Issac's Dental Clinic and Orthodontic Centre, Ernakulam. It shows that ceramic bridge and occlusal rehabilitation was done. The bill is dated 19.8.2000 after about three years of the accident. The tribunal accepted the medical bills for Rs.13,499/- and then awarded Rs.14,000/- for medical expenses and did not accept the bill for Rs.16,800/-. According to the tribunal, it can be for cosmetic treatment. Apart from the bills, no evidence was adduced to show that it was done for correcting any of the injury sustained in the accident. No treatment

certificate was produced from Issac's Dental Clinic and Orthodontic Centre. Even the claimant was not examined to prove that subsequent treatment in the year 2000 has got connection with the accident. With regard to the compensation granted under other heads, sufficient compensation was awarded. Total compensation awarded was Rs.29,000/- with 9% interest from the date of application till its deposit. We are of the opinion that since the tribunal has passed the award after considering the evidence adduced in this case, no interference is required. Appeal dismissed.

J.B.KOSHY
JUDGE

K. HEMA
JUDGE

vaa

J.B. KOSHY AND
K.HEMA,JJ.

M.F.A. No. 1452 of 2001

Judgment

Dated:29th November, 2007